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TERMINAL DISCLAIMER TO OBLIVIATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT		Docket Number (Optional) 7404-524
In re Application of:	<u>Wolfgang-Reinhold Knappe</u>	
Application No.	<u>09/426,931</u>	
Filed:	<u>10/22/1999</u>	
For:	<u>SPREADING LAYERS, WETTING AGENTS FOR THEIR PRODUCTION AND THEIR USE IN TEST STRIPS</u>	
<p>The owner* <u>Roche Diagnostics GmbH</u>, of, <u>100</u>, percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent Nos. <u>6,455,001 & 6,537,496</u> as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patents is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.</p> <p>In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patents, "as the term of said prior patents is presently shortened by any terminal disclaimer," in the event that said prior patents later:</p> <ul style="list-style-type: none"> expire for failure to pay a maintenance fee; are held unenforceable; are found invalid by a court of competent jurisdiction; are statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321; have all claims canceled by a reexamination certificate; are reissued; or are in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer. <p>Check either box 1 or 2 below, if appropriate.</p> <ol style="list-style-type: none"> 1. <input type="checkbox"/> For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization. 2. <input checked="" type="checkbox"/> The undersigned is an attorney or agent of record. Reg. No. <u>35,714</u>. <p><i>Timothy N. Thomas</i> Signature</p> <p>September 5, 2007 Date</p> <p>Timothy N. Thomas Typed or Printed Name</p> <p>317-634-3456 Telephone Number</p> <p><input checked="" type="checkbox"/> Terminal disclaimer fee under 37 CFR 1.20(d) is included.</p> <p>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <p>*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this statement. See MPEP § 324.</p>		